

Message Text

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40

ACTION EUR-25

INFO OCT-01 ADP-00 EURE-00 SSO-00 NSCE-00 SS-15 NSC-10

JUSE-00 L-03 CIAE-00 INR-10 NSAE-00 RSC-01 SCA-01

RSR-01 INRE-00 /067 W

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FM AMEMBASSY BERN

TO SECSTATE WASHDC IMMEDIATE 7639

LIMITED OFFICIAL USE BERN 1813

E. O. 11652: N/ A

TAGS: EFIN, PFOR, US, SZ

SUBJ: JUDICIAL ASSISTANCE TREATY: SWISS PROPOSAL ON NEW
CHAPTER IV, " OBLIGATIONS OF REQUESTING STATE"

REF: BERN' S 1807

1. FOLLOWING IS SWISS PROPOSAL ON NEW CHAPTER IV:

2. ARTICLE 12 BIS

NON- UTILIZATION OF TESTIMONY

ANY TESTIMONY OBTAINED PURSUANT TO THIS TREATY
FROM A PERSON (OTHER THAN A NATIONAL OF THE
REQUESTING STATE) INTERROGATED AS A WITNESS MAY
NOT BE INTRODUCED AS EVIDENCE IN A CRIMINAL
PROCEEDING IN THE REQUESTING STATE AGAINST SUCH
WITNESS. THE RIGHT TO REFUSE TESTIMONY UNDER
PARAGRAPH 1 OF ARTICLE 10 REMAINS UNAFFECTED."

" ARTICLE 12 TER

EXCLUDING OF DISADVANTAGES BECAUSE
OF FAILURE TO COOPERATE

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A PERSON WHO HAS REFUSED TO GIVE NON COMPULSORY INFORMATION OR AGAINST WHOM COMPULSORY MEASURES HAD TO BE APPLIED IN EXECUTING A REQUEST PURSUANT TO THIS TREATY SHALL IN THE REQUESTING STATE NEITHER DIRECTLY NOR INDIRECTLY BE SUBJECTED FOR HIS UNWILLINGNESS TO COOPERATE TO ANY CIVIL OR CRIMINAL FORFEITURE, OTHER LEGAL SANCTION OR MEASURE OF RESTRAINT."

" ARTICLE 12 QUATER

MAINTENANCE OF SECRECY

IN THE REQUESTING STATE SECRET FACTS DISCLOSED BY THE REQUESTING STATE PURSUANT TO ARTICLE 10, PARAGRAPH 2 SHALL, IF THEIR IMPORTANCE SO REQUIRES IN THE OPINION OF THAT STATE,

(1) BE TREATED AS INFORMATION NOT SUBJECT TO WITHOUT HAVING FIRST CONSULTED BOTH TDF AND HIPS.

3. AIRGRAM FOLLOWS.

DECONTROL FOLLOWING 5/7/77.
MACOMBER

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NMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

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Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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Disposition History: n/a
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Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
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Handling Restrictions: n/a
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